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33606

City of Chattanooga

BANDALL L. NELSON CITY ATTORREY

OFFICE OF THE CITY ATTORNEY 400 PIONEER BANK BUILDING Chattanooga, Tennessee 374112

AREA CODE 615-757-5338 TELECOPIER 615-756-0737

November 29, 1995

WM. SHELLEY PARKER, JR. HILLIP A. NOBLETT KENNETH O. FRITZ LIND H. REID-HOUSER JOE E. MANUEL SPECIAL COUNSEL

AND THE PROPERTY OF THE PROPER

VIA FEDERAL EXPRESS

AIRBILL NO. 7845511866

E. Joseph Sanders, Esq. Legal Services Director State of Tennessee, Department of Environment & Conservation 401 Church Street Nashville, TN 37243-1548

City of Chattanooga State Superfund Sites

Site ID No. 33-550 North Hawthorne

Site ID No. 33-606 Howard High

Site ID No. 33-540 Montague Park

Dear Joe:

This is in response to your correspondence and that of Clinton W. Willer requesting significant movement towards an order with respect to each of the abovereferenced sites prior to November 30. A brief review of the City's activities showing significant movement will follow for each of the sites where we believe that we have any responsibility.

Montague Park - Site ID 33-540

The City retained a consultant, Associated Environmental Services, Inc., to conduct a remedial investigation of that site. A copy of the report dated June 22, 1995, will be forwarded to you by regular mail.





November 29, 1995 Page 2

The net result of the remedial investigation is that the only significant matter needing remediation was a ponding area shown in field no. 4 which has been partially converted into a playground area. The plan is to fill the low lying area highlighted in yellow on the enclosed drawing $\{Exhibit\ I\}$ and improve the drainage so that the ponding is eliminated. The City is proceeding to do this work and if the weather is cooperative, we expect to be completed by January.

North Hawthorne - Site ID 33-550

There have been numerous prior studies on North Hawthorne Street. The City has been working with Wayne Everett and others at the local Superfund Office on this site for years.

Two areas of concern at North Hawthorne Street was some leachate and the status of the cap over the old landfill. The landfill was capped in 1972 using then standard procedures; however, the local office has over time suggested to the City that the cap be improved.

The City began improving the cap on the site in 1992 to move its wood recycling operation (Area I) {Exhibit 2}. During the summer of 1994 and continuing into the summer of 1995, Area II {Exhibit 2} is being capped to provide additional space for the City's leaf composing operation. Also in the fall of 1995, a leachate collection system was installed in some areas of the site which were noted in earlier reports. This leachate was then piped to the sanitary sewer for treatment. During the summer of 1996 Area III {Exhibit 2} will be capped much like Areas I and II and this will complete the remediation of this site. It is our opinion that this additional capping should not only be adequate as far as remediation of any hazards at the site, but it should also eliminate the leachate which has been the most active area of concern by the Superfund Office.

The City is willing to enter into an Order on this site to complete the planned remediation, but it also wants to resolve the issue of the State's request for reimbursement in the amount of \$542,940.15 (Clinton Willer's letter of August 22,



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1994). For reasons more fully summarized in my letter to you dated November 17, 1994, it is our belief that the City is not legally or morally responsible for the emergency response removal of the drums which caused great bulk of the oversight costs. It is our belief that the drums were put there as an illegal act by a third party subsequent to closure of the landfill site.

Nonetheless, we recognize that some of the oversight costs may have been attributable to prior landfill activities. In exchange for a release and contribution protection, I will recommend to the City Council to enter into an Agreed Order whereby the City would pay ten percent (10%) of the State's oversight costs, which I assume would still be in the range of \$54,290, i.e., approximately \$55,000.

<u> Howard High - Site ID 33-606</u>

A remedial investigation of the Howard school site was also conducted by Associated Environmental Services, Inc. under the supervision of Mr. Wayne Everett of the local Superfund Office. The various remedial activities have been suggested either by the consultant or by the local Superfund Office. The areas of concern and remediation at this site are as follows:

- a) Broken drainage tile this is to be repaired.
- b) Nature Trail the nature trail will be better defined and gravel will be placed and compacted to prevent people from meandering around the site.
- c) Day Care Center the surface soil around the day care center (from building to the fence) will be removed to a depth of 18". Then 6" of compacted clay will be placed followed by a 60 mil H.D.P.E. liner. On top of this liner will be placed a 12" layer of vegetative cover. The entire area will then be seeded and mulched and the playground reinstalled.



November 29, 1995 Page 4

- d) Restrict access to the dump area The fencing around the football, baseball and practice fields will be connected together and provided with locking gates such that unauthorized access to the site will be eliminated.
- e) Landfill cap Any bare areas on the landfill cap will be covered with topsoil and a vegetative cover established.

The City is prepared to move forward immediately to remediate these problems with the exception of the occasional standing water on the football practice field. Our consultant advises us that this is caused by the back-up of Chattanooga Creek through drainage pipes installed to drain the field (i.e., reverse flow). That does not appear to be related to the Howard site nor does there appear to be a practical or necessary solution to that back flow.

* * * * * * * * * *

You have forwarded to me a standard form order, which will need major modification. As noted above, the remedial investigation and feasibility studies have already been done on each of these three sites. The City has actually been in the process of implementing the remediation and in fact expects to be able to complete all of the required remediation in short order. It seems foolish to blindly copy the order when we are already ahead of the curve. In particular, I would suggest that the order reflect that an RI/FS has been completed for each of the sites in a form satisfactory to the Department. If you believe it is absolutely necessary, it appears to me that the next stage would be the public notice contained within paragraph IX.B.4 of the order.

We have already participated with the Department with respect to the decision process for clean-up activity, paragraph IX.C. Maybe we will need to review our initial decision if there is significant public input, otherwise, stick with what we have.



November 29, 1995 Page 5

Finally, we propose including within the Order a release of liability to the State for prior oversight costs and contribution protection.

I am willing to re-draft the Consent Order and Agreement upon our reaching some consensus as to what it should state. Once you have had an occasion to consider these matters, please call.

Sincerely,

MICHAEL A. McMAHAN

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Special Counsel

MAM:cjc Enclosures

cc: Mayor Gene Roberts (w/o Encl.)
Jack Marcellis (w/o Encl.)
Eugene Wright (w/o Encl.)
Jim Boney (w/o Encl.)
Wayne Everett (w/o Encl.)
Doye Cox (w/o Encl.)

Documt#3



City of Chattanooga

RANDALL L. NELSON
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
400 PIONEER BANK BUILDING
Chattanooga, Tennessee 37402

AREA CODE 615-757-5338 TELECOPIER 615-756-0737 MICHAEL A. MCMAHAN
WM. SHELLEY PARKER, JR.
PHILLIP A. NOBLETT
DOUGLAS M. COX
KENNETH O. FRITZ
ROSALIND H. REID-HOUSER
JOE E. MANUEL
SPECIAL COUNSEL

June 26, 1995

Mr. Clinton Willer
Director, Division of Superfund
Tennessee Department of Environment
& Conservation
L & C Tower, 21st Floor
401 Church Street
Nashville, TN 37243-0435

Mr. Wayne S. Everett
Field Office Manager
Division of Superfund
Chattanooga Field Office
540 McCallie Avenue, Suite 550
Chattanooga, TN 37402-2013

Mr. E. Joseph Sanders
Legal Services Director
Tennessee Department of Environment & Conservation
L & C Tower, 21st Floor
401 Church Street
Nashville, TN 37243-1548

RE: Investigation of Immediate Site Hazards
Howard High Landfill No. 33-606
Montague Park No. 33-540

Gentlemen:

I am enclosing a report prepared by Associated Environmental Services, Inc., captioned "Investigation of Immediate Site Hazards Howard School and Montague Park" dated June 22, 1995. The investigation took longer than we originally anticipated, in part because the results of the soil sampling prompted a quantitative assessment of the potential health risks associated with exposure to soils in the Howard School and Montague Park sites. Based upon the report, the City is interested in a voluntary clean-



June 26, 1995 Page 2

up agreement with respect to the Howard Landfill site and in particular at the day care center. Based upon the reports, we do not believe that any action is warranted at Montague Park.

We would also like to re-visit those matters discussed in our meeting of November 18, 1994, with the City's position being stated in my letter to you dated November 17, 1994. It is still the City's goal to achieve a universal settlement with respect to all of the sites.

In order to move the process forward, I am requesting another meeting with those who will be involved in this process. Due to other commitments, I am generally unavailable through July 10th but generally available through the remainder of the month, except for July 13, 18, 19, 21 and 26. I will have my secretary call you and others involved later this week after you have had the opportunity to receive these documents to see if there is a mutually convenient time during July for a meeting. This may be difficult due to the vacation season and the number of people involved. If we cannot schedule in July, I will have many open dates in August.

Sincerely,

MICHAEL A. McMAHAN

Michel AM in

Special Counsel

MAM:cjc Enclosure

cc: Jack Marcellis (w/Encl.)
Eugene Wright (w/Encl.)
Doye Cox (w/o Encl.)
Joe Manuel (w/o Encl.)

RECOMMENDATIONS

Based upon the data and the risk assessment, it is recommended that:

- The Old Channel Area should be posted and fenced. The risk assessment suggests it would be prudent to limit exposure in this area.
- No digging should be allowed in the Nature Trail Area and activities should be limited to those of an observational nature. Subsurface levels of contaminants may be substantially higher than surface soil levels, and the risk assessment suggests it would be prudent to limit exposure
- The surface soil at the Day Care Center should be removed to a depth of approximately 18 inches and an impermeable barrier be placed at that level. A reasonable design for this barrier would be a 6" layer of native clay compacted so as to obtain a permeability of 1 x 10-6 (cm/sec) overlain by a synthetic liner and drainage mat. The remaining foot would be filled using clean fill and topsoil. The risk assessment results for the Day Care Center are borderline. When results are this close it is generally accepted practice to err on the side of over protecting rather than under protecting the public.

Documit # F



site 33-606

STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CHATTANOOGA ENVIRONMENTAL FIELD OFFICE 540 McCALLIE AVENUE, SUITE 550 CHATTANOOGA, TENNESSEE 37402-2013 (615) 634-5745 FAX (615) 634-6389

August 21, 1995

Mr. Melton Jackson S.T.O.P. Organization 3806 Highland Street Chattanooga, Tennessee 37410

RE: Superfund Update in South Chattanooga

Dear Mr. Jackson:

Thank you for contacting Chattanooga Field Office relative to Superfund update activities in the South Chattanooga area. We are working on two sites at present and feel that some activity will take place on the following sites:

1. Hamill Road Number 3 Site

The State of Tennessee is working to have the state contractor clear undergrowth from the site during the week of August 28, 1995. Once the site access is cleared we plan to have state contractors bid to place a cap on the site. The reason for capping is that EPA removed 1000 cubic yards of tar substances from the site back in 1986 but did not place a cap on the area. The state will cap the site and reseed the soil.

2. Howard High School

The Chattanooga Field Office staff met with the City of Chattanooga and discussed the Howard High Landfill. At present, we are jointly working to address the following areas of concern:

Around the day care center, remove the soil in the play ground and repair in an approved manner. Replace the removed soil with a cap, liner and top soil and reseed.

Address the nature trail and improve the trail.

Add fencing along the east side of the Howard High property between the ballfields and the old landfill. Improve the drainage along the practice football field.

Address the cap on the old landfill.

Address the drainage line by the Nature Trail.

Other work will be accomplished as the final plan is generated.

Sincerely,

Wayne S. Everett Field Office Manager

Division of Superfund Chattanooga Field Office

Wayne Soveret

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Documt #5



STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CHATTANOOGA ENVIRONMENTAL FIELD OFFICE 540 McCALLIE AVENUE, SUITE 550 CHATTANOOGA, TENNESSEE 37402-2013 (615) 634-5745 FAX (615) 634-6389

August 2, 1995

Mr. Mike McMahan
City of Chattanooga
Office of the City Attorney
400 Pioneer Bank Building
Chattanooga, Tennessee 37402

Re: Meeting Monday, July 24, 1995, to discuss

North Hawthorne Dump Site #33-550
Wisdom Street Brush Dump #33-649
Howard High Landfill Site #33-606
Montague Park #33-540

Dear Mr. McMahan:

On Monday, July 24, 1995, Messieurs Mike McMahan, Eugene Wright, and Jack Marcellis, representing the City of Chattanooga, met with Wayne Everett, Craig Stannard, Don VanHook, and Curt Spaeth, representing the Tennessee Department of Environment and Conservation, Superfund Division, Chattanooga Field Office, at North Hawthorne Street dump. The purpose of meeting at North Hawthorne and subsequent sites listed above was to discuss the status and recommended future work for remedial purposes. The goal is working to reach agreement for delisting sites.

At North Hawthorne, the following observations were made and discussed:

- 1. The surface water pathway is the environmental concern. Improve the clay cap so that surface water runoff is controlled and vertical infiltration limited or controlled.
- 2. Leachate at the northeastern side of the landfill needs to be addressed. At the meeting on site, a discussion centered around extending an interceptor and engineering a collection system to collect the leachate. This collection system would channel the effluent to Moccasin Bend Treatment plant.
- 3. The combined sewer riser next to Chickamauga Creek needs to be repaired and any overflow controlled.
 - Please have the city engineer develop a proposed plan/layout of the site reflecting the work that has taken place on site already and the proposed work to be accomplished.

Wisdom Street Brush landfill has been addressed by the City and the Chattanooga Field Office staff agree with the city work. Thank you for your work at Wisdom Street.

Howard High Landfill:

- 1. The Nature Trail area will need cover soil and improvement. Digging by the school students and deep soils contact are not recommended on or around the Nature Trail. We recommend that activities be limited to observational nature by ones using the nature trail. Cover soil depth and design are to be sufficient to prevent human contact with subsurface soils.
- 2. Eliminate standing water around the football practice field. This must be engineered so that water will drain and be collected to discharge in an approved manner.
- 3. There needs to be restricted access to the sewer grate and the east side of the dump area (see map of remedial suggestions attached.).
- 4. A gray water tile near the Nature Trail will need repair. Page two, paragraph 3 of the Investigation of Immediate Site Hazards for Howard School and Montague Park states that the Tennessee Division of Superfund staff broke the graywater line. That statement is in error. A teacher at Howard High School brought the broken line to our attention.
- 5. The Day Care Center subsurface and clay cap are to be addressed as per the June 22, 1995, Investigation of Immediate Site Hazards under recommendation Page 14.
- 6. Howard landfill is still being used by individuals as a dump. The area needs improved fencing, gates, and signs for control of unauthorized use/dumping at the site. New fencing along the Howard High School ball fields needs to be extended where fencing is not presently available.
- 7. Howard landfill cap needs improvement where bare areas exist and vegetative cover established.
- 8. We would recommend that the city and state enter into a voluntary clean-up agreement to follow the remedial work for Howard landfill site.

Please have city engineers prepare a plan outlining the necessary improvements and submit the plan to our office for approval when the voluntary agreement is generated.

Montague Park:

Chattanooga Field Office staff have concern at the Montague Park.

Our staff was involved with the city sampling at Montague Park and we do not disagree with the results.

We do have concern with water standing on the ball field at certain times of the year. We recommend that surface drainage be evaluated and drainage improved as necessary.

We do not disagree with continued use of Montague as a recreational area. However, for future use, one should continue to address the surface contact of soils by the ones using the park and a good maintenance program for surface soils and vegetative cover should be in place.

There is a future use concern if one has to do excavation work such as sewer repair or other subsurface work. We simply don't know what is in the old dump at depth.

Thank you for meeting with us July 24, 1995, at the above sites. We look forward to working with you and other city officials in resolving the above concerns.

Sincerely,

Wayne S. Everett

Field Office Manager

Division of Superfund

Chattanooga Field Office

Wayne SEverett Z

WSE/MiMah

cc: Eugene Wright

Jack Marcellis

Clint Willer

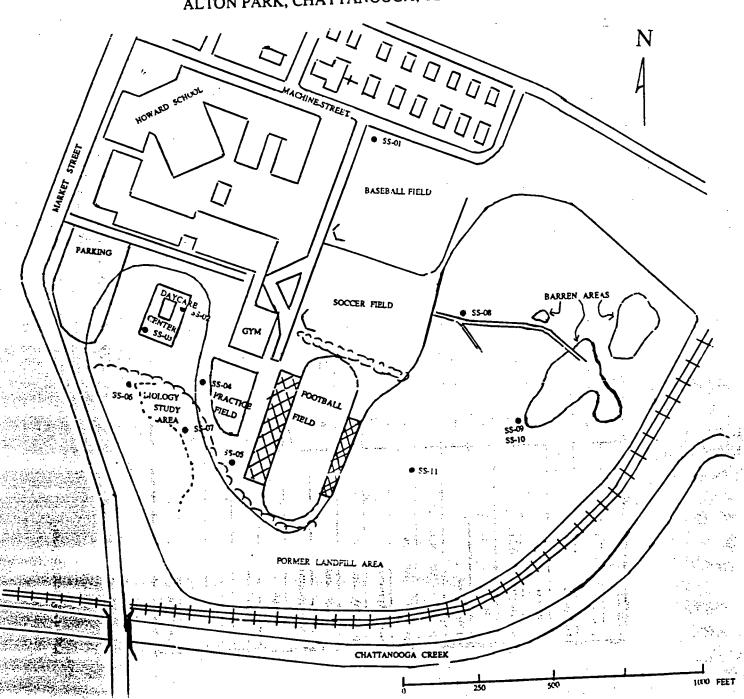
Joe Sanders

Howard School Dump, 53-606 Map of Remedial Suggestions Parking Beschall Replace Lot Fields Day Care Topsoil Gate access road into dump from baseball fields Practice in middle of dump site Standing Water to Sewer Grate and East Side of Dump area Chattanooga Creel North Drawn by: D.V. TDEC-DSF 8/1/95 Base map taken from Chattanooga 105-SE 7.5" quadrangle Not to Scale

Page 3 · Howard School

Sample 1 is a background sample taken on school property at the corner of the driveway and Machine Street. Samples 2 and 3 are from the yard at the daycare center; the yard is covered by grass. Samples 4 and 5 are on the football practice field. Samples 6 and 7 are from the biology study area. Samples 8, 9, and 10 are on the landfill area near the access road. Samples 9 and 10 are duplicates. Sample 11 is from a wooded portion of the landfill area that is not readily accessible to the public.

FIGURE 1 HOWARD SCHOOL ALTON PARK, CHATTANOOGA, TENNESSEE



CONCLUSIONS

Based on the information reviewed, the Tennessee Department of Health concludes the following:

- The available information from sampling at Howard School does not indicate a 1. current public health hazard to students, teachers, or area residents from exposure to soil on school property.
- The available sampling is limited; therefore, additional environmental data may 2. be needed to adequately determine whether or not the landfill a ea poses a chronic public health problem. Surface soil sampling (0-3 inches) would allow a more accurate interpretation of current potential health hazards.
- Exposure to gray water from leaking tile fields may be occurring; the area is 3. accessible and has not been adequately sampled.

RECOMMENDATIONS

- Sample and analyze surface soil in areas where exposures are most likely to occur.
- Sample and analyze gray water in areas where exposures are most likely to occur. 2.

If further clarification is required or if additional information becomes available, please do not hesitate to call this office at (615) 741-5683.

In S. Back

Bonnie S. Bashor

Negrideniol

#33-606

. Documt # 7

REMEDIAL SITE ASSESSMENT DECISION - EPA REGION IV

Site Name: Howard High School Landfill	EPA ID#: TND100842343	
Alias Site Names:	•	
City: Chattanooga	County or Parish: Hamilton TN	State:
Refer to Report Dated: January 1994	Report type: SIP	
Report developed by: TDEC,DSF,CFO		
	·	
DECISION:		
1. Further Remedial Site Assessment un	der CERCLA (Superfund) is not required because:	
1a. Site does not qualify for furth site assessment under CERCI (Site Evaluation Accomplished	A action, but is deferred to:	RCRA NRC
[X] 2. Further Assessment Needed Under (ERCLA: 2a. (optional) Priority: X Higher	Lower
2b. Activity PA Type: SI	ESI HRS evaluation	
X Other: <u>_f</u> ATSDR Health Consultation		
·		
DISCUSSION/RATIONALE: SIP found contamination on site. PAH and metals. Need ATSDR Health Consultation to determine further action.		
	ature: Mt Date:	4/1/19
Site Decision Made by: Loften Carr Sig	mature: Date: 4/	5/9/
EPA Form # 9100-3		Samerajan Samaran. Kadajan jamaran.